

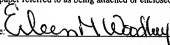
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen J. Todd et al.
Serial No.: 10/761,826
Confirmation No.: 4078
Filed: January 21, 2004
For: METHODS AND APPARATUS FOR EXTENDING A RETENTION
PERIOD FOR DATA IN A STORAGE SYSTEM
Examiner: R. A. Dare
Art Unit: 2186

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: February 15, 2008

Signature:



(Eileen M. Woodbury)

REQUEST FOR RECONSIDERATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated November 15, 2007, Applicants respectfully request reconsideration. To further the prosecution of this application, each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The application as now presented is believed to be in condition for allowance.

Allowable Subject Matter

As a preliminary matter, Applicants note with appreciation the allowance of claims 7 and 14, and the indication of allowable subject matter in claims 2-6, 9-13, and 16-20.

Rejections Under 35 U.S.C. §102

The Office Action rejects claims 1, 8, 15, and 21 under 35 U.S.C. §102(b) as purportedly being anticipated by U.S. Patent Publication No. 2005/0055518 (“Hochberg”). Applicants respectfully traverse these rejections.

A. Claim 1

Claim 1 recites, *inter alia*, “acts of: (A) sending to the at least one storage system, from the at least one host, a request to store a unit of data, the request including a retention period for the unit of data; (B) after expiration of at least some of the retention period, determining if a specified event has occurred; (C) when it is determined in the act (B) that the specified event has not occurred, extending the retention period for the unit of data.”

Hochberg fails to disclose or suggest the limitation of claim 1 that recites, “(C) when it is determined in act (B) that the specified event has not occurred, extending the retention period for the unit of data.”

The system of Hochberg periodically scans an expiration table to determine if archived objects may be deleted from archival storage (Hochberg, ¶0043; Fig. 6). During a scan, each entry in the expiration table is examined according to the process shown in Figure 6 of Hochberg. In step 156, it is determined whether or not the current time minus the retention period start time exceeds the stored retention period for an object entry (Hochberg, Fig. 6). According to Figure 6, if this condition is true, then the object is deleted from the archival storage and the corresponding entries in the object and expiration tables are also deleted in step 158. However, if the retention period has not expired, the scan of the expiration table continues for the next entry in the table in step 162.

The Office Action asserts that ¶0045 and Figure 7 of Hochberg teaches that when it is determined that the specified event has not occurred, the retention period for a unit of data is extended. Applicants respectfully disagree. Figure 7 in Hochberg shows steps in a process for modifying an archive policy or attribute of an object via a request (¶0045). As shown in step 214 of Figure 7, if it is determined that a request to modify the archival policy of an object is a request to

increase the retention period of a non-expired object, the retention period for the object is increased accordingly (step 216). While Figure 7 teaches how to modify the retention period of an object in response to a request, there is no teaching or suggestion in Hochberg that such a request is generated in response to a determination that the retention period for the object has not expired. That is, claim 1 requires extending the retention period for a unit of data **when it is determined that a specified event has not occurred**. Figure 7 of Hochberg teaches that a retention period is extended in response to receiving a request to extend the retention period, not in response to a determination that an event has not occurred.

The Office Action appears to assert that Hochberg discloses determining if a specified event has occurred in Figure 6 at step 156, in which the current time minus the retention period start time is calculated to determine if the retention period for an object has expired (Office Action, page 2). Thus, it appears that the Office Action asserts that “the specified event” in Hochberg is a retention period for an object expiring, and that at step 156 in Figure 6, Hochberg teaches determining whether the retention period for an object has expired.

Applicants do not disagree that that Hochberg teaches, in step 156 of Figure 6, determining whether the retention period for an object has expired. However, Hochberg does not teach extending the retention period for an object **when it is determined that the specified event has not occurred**. Rather, in Hochberg, when it is determined that the retention period has not expired (i.e., when the specified event has not occurred), the process of Figure 6 proceeds to step 162, where the next entry in the expiration table is scanned. There is no teaching or suggestion that the retention period of the object would be extended if the retention period for an object is determined not to have expired.

As should be clear from the discussion above, Hochberg does not disclose or suggest “(C) when it is determined in the act (B) that the specified event has not occurred, extending the retention period for the unit of data” as recited in claim 1. Thus, claim 1 patentably distinguishes over Hochberg, and it is respectfully requested that the rejection of claim 1 be withdrawn.

B. Claim 8

Claim 8 is directed to at least one computer readable medium encoded with instructions that, when executed, perform a method of, *inter alia*, “(C) when it is determined in the act (B) that the specified even has not occurred, extending the retention period for the unit of data”. As should be clear from above, claim 8 patentably distinguishes over Hochberg and it is respectfully requested that the rejection of claim 8 be withdrawn.

C. Claims 15 and 21

Claim 15 is directed to a host computer comprising third means for extending a retention period when it is determined that a specified event has not occurred. As should be appreciated from the foregoing, Hochberg does not teach or suggest this limitation. Thus, it is respectfully requested that the rejection of claim 15 be withdrawn.

Claim 21 depends from claim 15 and is allowable for at least the same reasons.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: February 15, 2008

Respectfully submitted,

By: 

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